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UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
Grain Division
Seed Branch
Agricultural Research Center
Beltsville, Maryland

October 1964

PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT
(July 1, 1963 to June 30, 1964 (579-602))

579. False labeling as to germination and date of test and failure to keep a complete record. U. S. v. Roberts Seed Company, Clovis, New Mexico. (FS 948)

Roberts Seed Company, on May 21, 1960, transported from Clovis, New Mexico, to Mooreland, Oklahoma, 50 bags of sorghum seed.

A complaint was filed in U. S. District Court for the District of New Mexico alleging that Roberts Seed Company transported in interstate commerce 18 bags of seed in violation of the Federal Seed Act.

The seed had a false labeling in that labels attached to the bags represented the seed to have a germination of 80 percent and to have been tested in May 1960 to determine the percentage of germination; whereas, the seed was found to have a germination of 40 percent in June 1960 and the seed was not tested in May 1960 to determine the percentage of germination.

In addition, a complete record of the germination of the seed was not kept by Roberts Seed Company as required by the Federal Seed Act and the regulations thereunder.

On October 31, 1963, a judgment in the amount of \$500 was entered against Roberts Seed Company.

580. False labeling of noxious-weed seeds and excessive noxious-weed seeds. U. S. v. Hunt & Tipps Seed and Grain Inc., Lubbock, Texas. FS 959.

Hunt & Tipps Seed & Grain, Inc., on May 21, 1960, delivered for transportation from Lubbock, Texas, to Montgomery, Alabama, 350 bags of pearl millet seed.

A complaint was filed in U. S. District Court for the Northern District of Texas alleging that Hunt & Tipps Seed & Grain, Inc., delivered for transportation in interstate commerce 350 bags of seed in violation of the Federal Seed Act.

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The seed had a false labeling in that labels attached to the bags represented the seed to contain the noxious-weed seed johnsongrass at the rate of 18 per pound; whereas, the seed was found to contain johnsongrass seeds at the rate of 197 per pound.

Agricultural seed containing in excess of 100 johnsongrass seed per pound is prohibited from sale in the State of Alabama and therefore is prohibited from shipment into that State under the Federal Seed Act.

On November 4, 1963, a judgment in the amount of \$50.00 plus costs was entered against Hunt & Tipps Seed & Grain, Inc.

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581. False labeling as to noxious-weed seeds. U. S. v. H. Lewis Skirvin d/b/a H. L. Skirvin Seed Company of Harrisburg, Oregon. (FS 979)

H. Lewis Skirvin on August 1, 1960, delivered for transportation from Harrisburg, Oregon, to Jacksonville, Florida, 293 bags of ryegrass seed.

A complaint was filed in U. S. District Court for the District of Oregon alleging that H. L. Skirvin delivered for transportation in interstate commerce 31 bags of ryegrass seed in violation of the Federal Seed Act.

The seed was falsely labeled in that labels attached to the bags represented the seed to contain the noxious-weed seed chess at the rate of 1 per pound; whereas, the seed was found to contain chess seeds at the rate of 153 per pound.

On January 8, 1964, a judgment in the amount of \$25.00 was entered against H. Lewis Skirvin.

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582. Excessive noxious-weed seeds, false labeling as to noxious-weed seeds and failure to keep a complete record. U. S. v. Carolina Lespedeza Seed Company, Inc., Marshville, North Carolina. (FS 981)

Carolina Lespedeza Seed Company, Inc., delivered for transportation from Marshville, North Carolina, 25 bags of striate lespedeza seed to Chase City, Virginia, on January 18, 1961, and 110 bags of striate lespedeza seed, lot No. 60-47, and 120 bags of striate lespedeza, lot No. 60-54, to Montgomery, Alabama, on January 24, 1961.

A complaint was filed in U. S. District Court for the Western District of North Carolina, alleging that Carolina Lespedeza Seed Company, Inc., delivered for transportation in interstate commerce 20 bags of striate lespedeza seed, lot No. Fincher 1; 18 bags of striate lespedeza seed, lot No. 60-47; and 8 bags of striate lespedeza seed, lot No. 60-54.

Striate lespedeza seed, lot No. Fincher 1, was found to contain johnsongrass seeds at the rate of six per ounce. Agricultural seed containing any johnsongrass seeds is prohibited from shipment into that State under the Federal Seed Act.

Striate lespedeza seed, lot No. 60-47 was falsely labeled in that labeling accompanying the shipment represented the seed to contain the noxious-weed seed horsenettle at the rate of 9 per pound; whereas, the seed was found to contain horsenettle seeds at the rate of 117 per pound.

Striate lespedeza seed, lot No. 60-54 was falsely labeled in that labeling accompanying the shipment represented the seed to contain the noxious-weed seed horsenettle at the rate of 99 per pound; whereas, the seed was found to contain horsenettle seeds at the rate of 297 per pound.

On November 22, 1963, a judgment in the amount of \$225.00 plus \$45.20 costs was entered against Carolina Lespedeza Seed Company, Inc.

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583. False labeling as to germination and date of test and failure to keep a complete record. U. S. v. Crescent Farms, Inc., Moultrie, Georgia. (FS-982)

Crescent Farms, Inc., transported from Moultrie, Georgia, to Mayo, Florida, 1 bag of cowpea seed on or about March 8, 1960; to Madison, Florida, 20 bags of cowpea seed on or about March 8, 1960; to Winter Haven, Florida, 174 bags totaling 500 pounds of watermelon seed on or about December 7, 1960; to High Springs, Florida, 24 bags, one pound each, of cantaloupe seed on or about January 27, 1961; and to Williston, Florida, 32 bags, one pound each, of cantaloupe seed and 11 bags, 5 pounds each, of watermelon seed on or about February 2, 1961.

A complaint was filed in U. S. District Court for the Middle District of Georgia alleging that Crescent Farms, Inc., transported in interstate commerce the above-mentioned seed in violation of the Federal Seed Act.

The one bag of cowpea seed had a false labeling in that the label attached to the bag represented the seed to have a germination of 89 percent; whereas, the seed was found to have a germination of 65 percent in June 1960.

The 20 bags of cowpea seed had a false labeling in that labels attached to the bags represented the seed to have a germination of 89 percent; whereas, the seed was found to have a germination of 55 percent when tested in April 1960. In addition, the seed was labeled to have been tested in August 1959, to determine the

Percentage of germination; whereas, it was not tested in August 1959. Also, a test to determine the percentage of germination had not been made within the 5-month period prior to shipment as required.

The 74 bags of watermelon seed, consisting of four lots, were falsely labeled in that labels attached to the bags represented the seed in two lots to have a germination of 82 percent and the seed in two lots to have a germination of 83 percent; whereas, these lots of seed were found to have germination percentages of 65, 65, 62, and 67 percent in March 1961. In addition, a complete record of each lot, including a file sample, was not kept by the shipper as required.

The 24 bags of cantaloupe seed had a false labeling in that labels attached to the bags represented the seed to have a germination of 88 percent; whereas, the seed was found to have a germination of 53 percent in May 1961. In addition, a complete record of the germination of this seed, including a file sample, was not kept by the shipper as required.

The 32 bags of cantaloupe seed and 11 bags of watermelon seed had a false labeling in that labels attached to the bags represented the cantaloupe seed to have a germination of 88 percent and labels attached to the watermelon seed represented the seed to have a germination of 80 percent; whereas, the cantaloupe seed was found to have a germination of 56 percent and the watermelon seed was found to have a germination of 50 percent in April 1961. In addition, a complete record of the germination of the watermelon seed, including a file sample, was not kept by the shipper as required.

On July 12, 1963, a judgment in the amount of \$600.00 plus costs was entered against Crescent Farms, Inc.

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584. False labeling as to germination. U. S. v. Manley A. Casement, d/b/a Casement Grain & Seed Company, Sedan, Kansas. (FS 984).

Manley A. Casement, on or about October 25, 1961, transported from Sedan, Kansas, to Pawhuska, Oklahoma, 41 bags of oat seed.

A complaint was filed in U. S. District Court for the District of Kansas alleging that Manley A. Casement transported in interstate commerce 40 bags of the seed in violation of the Federal Seed Act.

The seed was falsely labeled in that labels attached to the bags represented the seed to have a germination of 94 percent; whereas, the seed was found to have a germination of 31 percent in November 1961.

On September 24, 1963, a judgment in the amount of \$50.00 plus \$37.20 costs was entered against Manley A. Casement.

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585. False labeling as to noxious-weed seeds and excessive noxious-weed seeds. U. S. v. W. H. Robinson, Inc., Cairo, Georgia (FS 987).

W. H. Robinson, Inc., on September 16, 1961, transported from Cairo, Georgia, to Live Oak, Florida, 47 bags of oat seed.

A complaint was filed in U. S. District Court for the Middle District of Georgia alleging that W. H. Robinson, Inc., transported in interstate commerce 47 bags of the seed in violation of the Federal Seed Act.

The seed was falsely labeled in that labels attached to the bags represented the seed to contain no noxious-weed seeds; whereas, the seed was found to contain wild radish seeds at the rate of 137 per pound. Wild radish seeds are considered noxious-weed seeds in the State of Florida and therefore are considered noxious-weed seeds under the Federal Seed Act when occurring in agricultural seed shipped into that State.

Agricultural seed containing in excess of 27 wild radish seeds per pound is prohibited from sale in the State of Florida and therefore is prohibited from shipment into that State under the Federal Seed Act.

On May 25, 1964, a judgment in the amount of \$300.00 was entered against W. H. Robinson, Inc.

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586. False labeling of noxious-weed seeds and excessive noxious-weed seeds. U. S. v. Advance Seed and Grain Company, Phoenix, Arizona. (FS 991)

Advance Seed & Grain Company, on May 4, 1961, delivered for transportation from Phoenix, Arizona, to Ocala, Florida, 59 bags of pearl millet seed.

A complaint was filed in U. S. District Court for the District of Arizona alleging that Advance Seed & Grain Company delivered for transportation in interstate commerce 59 bags of seed in violation of the Federal Seed Act.

The seed had a false labeling in that labels attached to the bags represented the seed to contain the noxious-weed seed johnsongrass at the rate of 3 per pound; whereas, the seed was found to contain johnsongrass seeds at the rate of 66 per pound.

Agricultural seed containing in excess of 27 johnsongrass seeds per pound is prohibited from sale in the State of Florida and therefore is prohibited from shipment into that State under the Federal Seed Act.

On November 21, 1963, Advance Seed & Grain Company paid to the United States \$100.00 in settlement of the complaint.

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587. False labeling as to germination and noxious-weed seeds, excessive noxious-weed seeds, and incomplete records. U. S. v. Raymond C. Dryden, Jr., and Grace Venable, d/b/a Eagle Mills, Pocomoke City, Maryland. (FS 993)

Eagle Mills transported or delivered for transportation from Pocomoke City, Maryland, 50 bags of rye seed to Cheriton, Virginia, on or about September 12, 1961; 50 bags of rye seed to New Church, Virginia, on or about September 16, 1961; and 45 bags of rye seed to New Church, Virginia, on or about October 3, 1961.

A complaint was filed in U. S. District Court for the District of Maryland alleging that Eagle Mills delivered for transportation or transported in interstate commerce 50, 38, and 45 bags of this seed in violation of the Federal Seed Act.

The 50 bags of seed shipped to Cheriton, Virginia, had a false labeling in that labels attached to the containers represented the seed to have a germination of 85 percent, and to contain the noxious-weed seeds, wild onion, at the rate of 0.3 per ounce; whereas, this seed was found to have a germination of 19 percent in November 1961 and to contain wild onion seeds at the rate of one per ounce. In addition, a complete record of the purity and germination, including a file sample, of this seed was not kept by Eagle Mills as required.

The first shipment of rye seed to New Church, Virginia, had a false labeling in that labels attached to the containers represented the seed to have a germination of 85 percent and to contain the noxious-weed seed wild onion at the rate of 0.3 per ounce; whereas, 38 bags of this seed was found to have a germination of 66 percent in October 1961 and to contain wild onion seeds or bulblets at the rate of 3 per ounce. In addition, agricultural seed containing wild onion seeds or bulblets in excess of 2 per ounce is prohibited from sale in the State of Virginia, and therefore is prohibited from shipment into that State under the Federal Seed Act.

The 45 bags shipped to New Church, Virginia, had a false labeling in that labels attached to the bags represented the seed to have a germination of 85 percent; whereas, this seed was found to have a germination of 42 percent in February 1962.

On August 22, 1963, a judgment in the amount of \$500.00 and costs was entered against Eagle Mills.

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588. False labeling as to germination and date of test, failure to show the words "Below Standard," failure to test within 5 months prior to shipment, and failure to keep a complete record. U. S. v. Dixie Seed Company, Ochlochnee, Georgia. (FS 994)

Dixie Seed Company transported or delivered for transportation from Ochlochnee, Georgia, 4 bags of sorghum seed to Monticello, Florida, on June 27, 1960; 1 bag of cabbage seed to Monticello, Florida, on July 29, 1960; 2 bags of cowpea seed on August 9, 1960, and 3 bags of cowpea seed on August 22 and 23, 1960, to Lulu, Florida; 1 bag of striate lespedeza seed to Naples, Florida on April 7, 1961; and 25 bags of rye seed to Jasper, Florida, on October 25, 1961.

A complaint was filed in U. S. District Court for the Middle District of Georgia, alleging that Dixie Seed Company transported or delivered for transportation in interstate commerce 2 bags of sorghum seed, one bag of cabbage seed, 3 bags of cowpea seed, 1 bag of striate lespedeza seed, and 25 bags of rye seed, in violation of the Federal Seed Act.

The sorghum was falsely labeled in that labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed was found to have a germination of 57 percent in September 1960. In addition, a file sample of the seed was not kept by Dixie Seed Company for a period of one year from date of disposal of the lot as required by the Federal Seed Act and the regulations thereunder.

The cabbage seed was falsely labeled in that a label attached to the bag represented the seed to have been tested in July 1960 to determine the percentage of germination and that the seed had a germination of 80 percent; whereas, the seed had not been tested in July 1960 to determine the percentage of germination and the seed was found to have a germination of 59 percent in September 1960. In addition, a test to determine the percentage of germination of the seed was not made within a 5-month period immediately prior to transportation in interstate commerce as required by the Federal Seed Act.

The cowpea seed was falsely labeled in that labels attached to the bags represented the seed to have a germination of 60 percent and to have been tested in August 1960 to determine the percentage of germination; whereas, the seed was found to have a germination of 37 percent in October 1960 and the seed was not tested in August 1960 to determine the percentage of germination. Labels attached to the bags failed to bear the words "Below Standard" as required under the Federal Seed Act for cowpea seed that germinates less than 75 percent. In addition, a test to determine the percentage of germination of the seed was not made within a 5-month period immediately prior to transportation or delivery for transportation in interstate commerce as required by the Federal Seed Act.

The striate lespedeza seed was falsely labeled in that a label attached to the bag represented the seed to have a germination of 60 percent; whereas, the seed was found to have a germination of 7 percent in June 1961.

The rye seed was falsely labeled in that labels attached to the bags represented the seed to have a germination of 80 percent; whereas, the seed was found to have a germination of 57 percent when tested in November 1961.

On November 20, 1963, a judgment in the amount of \$300.00 plus \$40.88 costs was entered against Dixie Seed Company.

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589. False labeling as to germination and date of test, incomplete labeling, and incomplete records. U. S. v. Albert Dickinson Company of Idaho, Twin Falls, Idaho. (FS 1005)

Albert Dickinson Company of Idaho, on or about April 19, 1962, transported from Twin Falls, Idaho, to Afton, Wyoming, 2 bags of alfalfa seed and 2 bags of meadow foxtail seed.

A complaint was filed in U. S. District Court for the District of Idaho alleging that Albert Dickinson Company of Idaho transported this seed in interstate commerce in violation of the Federal Seed Act.

The alfalfa seed had a false labeling in that labels attached to the bags represented the seed to have a germination of 79 percent with 13 percent hard seeds and to have been tested to determine the percentage of germination in February 1962; whereas, the seed was found to have a germination of 66 percent with 3 percent hard seeds remaining in May 1962 and the seed had not been tested in February 1962. The alfalfa seed had not been tested within a 5-month period prior to shipment as required. The alfalfa seed was not labeled as to origin as required. Also, a complete record of the germination of this seed including a file sample, was not kept by the shipper as required.

The meadow foxtail seed had a false labeling in that labels attached to the bags represented the seed to have a germination of 90 percent and to have been tested in January 1962; whereas, the seed was found to have a germination of 60 percent in May 1962 and the seed had not been tested in January 1962 to determine the percentage of germination.

On September 19, 1963, a judgment of \$200.00 was entered against Albert Dickinson Company of Idaho.

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590. Failure to indicate the presence of noxious-weed seeds and excessive noxious-weed seeds. U. S. v. Louisville Seed Company, Inc., Louisville, Kentucky. (FS 1007)

Louisville Seed Company, Inc., delivered for transportation from Louisville or Franklin, Kentucky, 20 bags of crimson clover seed to Petersburg, Virginia, on or about August 2, 1961, and 350 bags of Korean lespedeza seed to Alexandria, Virginia, on or about December 14, 1961.

The complaint was filed in U. S. District Court for the Western District of Kentucky alleging that Louisville Seed Company, Inc., delivered for transportation in interstate commerce 6 bags of crimson clover seed and 350 bags of Korean lespedeza seed in violation of the Federal Seed Act.

Labels attached to the bags of crimson clover seed failed to indicate the presence of any noxious-weed seeds; whereas, the seed was found to contain wild mustard seeds at the rate of 26 per ounce. Wild mustard seeds are considered restricted noxious-weed seeds in the State of Virginia. It is required under the Federal Seed Act, by reason of the Virginia State law and regulations, that agricultural seed shipped into that State shall be labeled to show the name and number per pound of such noxious-weed seeds. Agricultural seed containing wild mustard seeds in excess of 15 per ounce is prohibited from sale in the State of Virginia and therefore is prohibited from shipment into that State under the Federal Seed Act.

Labels attached to the bags of Korean lespedeza seed failed to indicate the presence of giant foxtail seeds; whereas, the seed was found to contain giant foxtail seeds at the rate of 4-1/2 per ounce (8 in 50 grams). Giant foxtail seeds are considered restricted noxious-weed seeds in the State of Virginia. It is required under section 201. (a) (5) of the Federal Seed Act, by reason of the Virginia State law and regulations, that agricultural seed shipped into that State shall be labeled to show the name and number per ounce of such noxious-weed seeds.

On October 25, 1963, Louisville Seed Company, Inc., paid to the United States \$500.00 plus \$23.24 costs in settlement of the complaint.

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591. False labeling as to germination and incomplete recrds. U. S. v. Alton D. Carl, d/b/a Carlton Seed Company, Hanover, Pennsylvania. (FS 1008A)

Carlton Seed Company on or about September 22, 1961, transported from Porters Sideling, Pennsylvania, to Union Mills, Maryland, 45 bags of timothy seed.

A complaint was filed in U. S. District Court for the Middle District of Pennsylvania, alleging that Carlton Seed Company transported this seed in interstate commerce in violation of the Federal Seed Act.

The seed had a false labeling in that labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed was found to have a germination of 48 percent in November 1961. In addition, a complete record of the germination of this seed, including a file sample, was not kept as required.

On September 3, 1963, a judgment in the amount of \$450.00 plus \$48.80 costs was entered against Carlton Seed Company.

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592. False labeling as to variety and certification and incomplete labeling. U. S. v. John H. Strever, d/b/a Strever Seed & Grain Company, Waterman, Illinois. (FS 1009)

John H. Strever delivered for transportation from Waterman, Illinois, 167 bags of oat seed to Muscoda, Wisconsin, on March 9, 1962, 67 bags of oat seed to Potosi, Wisconsin, on March 27, 1962, and 34 bags of oat seed to Spring Green, Wisconsin, on April 5, 1962.

The complaint was filed in United States District Court for the Northern District of Illinois alleging that J. H. Strever, d/b/a Strever Seed and Grain Company delivered for transportation in interstate commerce 6 bags of oat seed to Muscoda, Wisconsin, 9 bags of oat seed to Potosi, Wisconsin, and 26 bags of oat seed to Spring Green, Wisconsin, in violation of the Federal Seed Act.

The oat seed shipped to Muscoda, Wisconsin, was falsely labeled in that labels attached to the bags represented the seed to be certified and to be the Nemaha variety of oat; whereas, the seed failed to bear official labels issued for such seed by a seed certifying agency and the seed was not the Nemaha variety of oat.

The oat seed shipped to Potosi and Spring Green, Wisconsin, was incompletely labeled in that the bags failed to bear labels setting forth the detailed information as required under the Federal Seed Act for treated seed. In addition, the oat seed shipped to Potosi, Wisconsin, was incompletely labeled with respect to a lot number.

On November 13, 1963, a judgment in the amount of \$150.00 plus \$32.88 costs was entered against John H. Strever.

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593. False labeling as to purity, noxious-weed seeds, and germination. U. S. v. Malden Grain Company, Inc., Malden, Missouri. (FS 1010)

Malden Grain Company, Inc., transported or delivered for transportation from Malden, Missouri, 2 bags of redtop seed to Piggott, Arkansas, and 10 bags of redtop seed to Paragould, Arkansas, on December 9, 1962; 20 bags of Korean lespedeza seed to Piggott, Arkansas, on February 13, 1962; 45 bags of wheat seed to Rector, Arkansas, on October 8, 1962; and 185 bags of wheat seed to Monette, Arkansas, on October 10, 1962.

The complaint was filed in U. S. District Court for the Eastern District of Missouri, alleging that Malden Grain Company, Inc., transported or delivered for transportation in interstate commerce 12 bags of redtop seed, 15 bags of Korean lespedeza seed, 40 bags of wheat seed and 55 bags of wheat seed in violation of the Federal Seed Act.

The redtop seed was falsely labeled in that labels attached to the bags represented the seed to consist, in part, of 99.00 percent pure seed and 0.80 percent inert matter; whereas, the seed shipped to Piggott, Arkansas, was found to consist, in part, of 80.52 percent pure seed and 18.24 percent inert matter, and a sample representing the seed shipped to Paragould, Arkansas, was found to consist, in part, of 96.67 percent pure seed and 2.85 percent inert matter. The seed was also falsely labeled in that labels attached to the bags represented the seed to be one lot of seed; whereas, the results of tests given above indicate that the seed was not a "lot of seed" as that term is defined in the regulations under the Federal Seed Act.

The Korean lespedeza seed was falsely labeled in that labels attached to the bags represented the seed to contain the noxious-weed seed horsenettle at the rate of 12 per pound; whereas, the seed was found to contain horsenettle seeds at the rate of 297 per pound.

The wheat seed shipped to Rector, Arkansas, was falsely labeled in that labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed was found to have a germination of 32 percent when tested in October 1962.

The wheat seed shipped to Monette, Arkansas, was falsely labeled in that labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed was found to have a germination of 18 percent when tested in October 1962.

On April 4, 1964, a judgment in the amount of \$400.00 plus costs was entered against Malden Grain Company, Inc.

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594. False labeling as to pure seed and germination. U. S. v. James Hal Wallace, d/b/a Wallace Seed Company, Jackson, Tennessee. (FS 1011)

James Hal Wallace, on September 26, 1961, transported from Jackson, Tennessee, to Charleston, Mississippi, 20 bags of tall fescue seed.

The complaint was filed in the U. S. District Court for the Eastern District of Tennessee, alleging that James Hal Wallace, d/b/a Wallace Seed Company, transported in interstate commerce 18 bags of the seed in violation of the Federal Seed Act.

The seed was falsely labeled in that labels attached to the bags represented the seed to consist, in part, of 98.00 percent pure seed and to have a germination of 85 percent; whereas, the seed was found to consist, in part, of 94.80 percent pure seed and to have a germination of 37 percent in December 1961.

On May 11, 1964, a judgment in the amount of \$100.00 plus costs was entered against James Hal Wallace.

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595. Failure to indicate the presence of noxious-weed seeds. U. S. v. L. A. Green Seed Company of Oregon, Inc., Portland, Oregon. (FS 1012)

L. A. Green Seed Company of Oregon, Inc., delivered for transportation from Forest Grove, Oregon, to Slocumb, Alabama, 300 bags of crimson clover seed.

A complaint was filed in U. S. District Court for the District of Oregon alleging that L. A. Green Seed Company of Oregon, delivered for transportation in interstate commerce 16 bags of seed in violation of the Federal Seed Act.

Labels attached to the bags did not indicate the presence of any sheep sorrel seeds; whereas, the seed was found to contain sheep sorrel seeds at the rate of 175 per pound. Sheep sorrel seeds are considered noxious-weed seeds in the State of Alabama. It is required under section 201 (a)(5) of the Federal Seed Act, by reason of the Alabama State law and regulations, that agricultural seed shipped into that State shall be labeled to show the name and number per pound of such noxious-weed seeds.

On December 6, 1963, a judgment in the amount of \$100.00 was entered against L. A. Green Seed Company of Oregon, Inc.

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596. Failure to indicate the presence of noxious-weed seeds and false labeling as to purity. U. S. v. Robert W. Wood, Gordon F. Wood, H. Ryrie Wood, and Gordon F. Wood, Jr., d/b/a T. W. Wood & Sons, Richmond, Virginia. (FS 1013)

T. W. Wood and Sons on February 7, 1962, delivered for transportation from Richmond, Virginia, to Henderson, North Carolina, 20 bags of Korean lespedeza seed.

A complaint was filed in U. S. District Court for the Eastern District of Virginia alleging that T. W. Wood & Sons delivered for transportation in interstate commerce five bags of the seed in violation of the Federal Seed Act.

Labels attached to the bags did not indicate the presence of any bracted plantain seeds; whereas, the seed was found to contain bracted plantain seeds at the rate of 243 per pound. Bracted plantain seeds are considered restricted noxious-weed seeds in the State of North Carolina. It is required under the Federal Seed Act, by reason of the North Carolina State law and regulations, that agricultural seed shipped into that State shall be labeled to show the name and number per pound of such noxious-weed seeds.

In addition, the seed had a false labeling in that labels attached to the bags represented the seed to contain 0.90 percent weed seed; whereas, the seed was found to contain 1.90 percent weed seed.

On January 10, 1964, T. W. Wood & Sons paid to the United States \$200.00 in settlement of the complaint.

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597. False labeling as to treatment. U. S. v. Pascal Farley, Whitewright, Texas. (FS 1014)

Pascal Farley transported from Whitewright, Texas, 100 bags of cotton seed to Checotah, Oklahoma, on March 29, 1962, and 20 bags of cotton seed to Durant, Oklahoma, on April 23, 1962.

The complaint was filed in U. S. District Court for the Eastern District of Texas alleging that Pascal Farley transported in interstate commerce 99 bags of cotton seed to Checotah, Oklahoma, and 20 bags of cotton seed to Durant, Oklahoma.

Each shipment was falsely labeled in that labels attached to the bags represented the seed to be treated; whereas, the seed in each shipment was found to be not treated.

On May 5, 1964, a judgment in the amount of \$250.00 plus costs was entered against Pascal Farley.

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598. "Below standard" vegetable seed not labeled as to germination, date of test, and the words "below standard"; failure to test within five months prior to shipment. U. S. v. R. H. Shumway Seedsman, Rockford, Illinois. (FS 1016)

R. H. Shumway Seedsman delivered for transportation in interstate commerce from Rockford, Illinois, a shipment of vegetable seed to Remington, Indiana, on February 4, 1961; a shipment of vegetable seed to North Liberty, Indiana, on April 12, 1961; a shipment of vegetable seed to Romney, Indiana, on March 27, 1962; a shipment of vegetable seed to Minneapolis, Minnesota, on April 12, 1962; a shipment of vegetable seed to Kansas City, Missouri, on April 30, 1962, a shipment of vegetable seed to St. Paul, Minnesota, on May 7, 1962; a shipment of vegetable seed to Mulberry, Indiana, on March 8, 1963; and a shipment of vegetable seed to Flora, Indiana, on March 26, 1963.

A complaint was filed in U. S. District Court for the Northern District of Indiana alleging that R. H. Shumway Seedsman delivered for transportation in interstate commerce in violation of the Federal Seed Act seed described as follows:

To Remington, Indiana

		Germination Standard	*Germination Found
Lima bean	2 containers	70%	32%
Bean	1 "	75%	49%
Lettuce	2 "	80%	10%
Cauliflower	2 "	75%	21%
Lettuce	2 "	80%	47%
Turnip	1 "	80%	65%

To North Liberty, Indiana

Bean	1 "	75%	48%
Lettuce	2 "	80%	7%
Cauliflower	1 "	75%	31%
Lettuce	2 "	80%	42%
Turnip	1 "	80%	65%

To Romney, Indiana

Onion	1 "	70%	21%
Lettuce	1 "	80%	18%
Lettuce	1 "	80%	1%
Lettuce	1 "	80%	61%
Turnip	1 "	80%	42%

To Minneapolis, Minnesota

Lettuce	1 "	80%	62%
Lettuce	1 "	80%	3%
Lettuce	1 "	80%	0%
Cauliflower	3 "	75%	43%
Radish	1 "	75%	38%
Turnip	3 "	80%	57%

To Kansas City, Missouri

Lettuce	1 "	80%	47%
Lettuce	1 "	80%	0%

<u>To St. Paul, Minnesota</u>			<u>Germination Standard</u>	<u>Germination Found</u>
Radish	1	container	75%	41%
Turnip	3	"	80%	39%
Cauliflower	3	"	75%	46%
Lettuce	1	"	80%	67%
Lettuce	1	"	80%	6%
Lettuce	1	"	80%	0%

To Mulberry, Indiana

Sweet corn	1	"	75%	21%
Lettuce	1	"	80%	59%
Lettuce	1	"	80%	0%
Lettuce	1	"	80%	1%
Onion	1	"	70%	55%

To Flora, Indiana

Cabbage	1	"	75%	46%
Lettuce	2	"	80%	0%
Lettuce	2	"	80%	0%
Onion	1	"	70%	52%

*The official tests were completed within one to three months after the dates of interstate shipment

None of the seed containers bore labeling indicating a percentage of germination, date of test, and the words "below standard" as required by the Federal Seed Act for vegetable seed that germinates below the standards established in the regulations under the act.

Except for the lima bean seed in the shipment to Remington, Indiana, tests to determine the percentage of germination of each lot of vegetable seed shipped to Remington, Indiana, and North Liberty, Indiana, was not made within a 5-month period immediately prior to delivery for transportation in interstate commerce as required under the Federal Seed Act.

On March 2, 1964, a judgment in the amount of \$500.00 was entered against R. H. Shumway Seedsman.

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599. False labeling as to germination and incomplete labeling. U. S. v. Eugene Brister and Glen A. Curtis, partners, d/b/a Stafford Seed Company, Stafford, Kansas. (FS 1019).

Eugene Brister and Glen A. Curtis on April 2, 1962, transported from Stafford, Kansas, to Enid, Oklahoma, 40 bags of sorghum seed.

The complaint was filed in the U. S. District Court for the District of Kansas alleging that Eugene Brister and Glen A. Curtis, partners, doing business as Stafford Seed Company, transported in interstate commerce 40 bags of the seed in violation of the Federal Seed Act.

The seed was falsely labeled in that labeling accompanying the shipment represented the seed to have a germination of 86 percent; whereas, the seed was found to have a germination of 66 percent in April 1962.

Each bag of seed failed to bear a label giving the detailed information required by the Federal Seed Act.

On May 18, 1964, a judgment in the amount of \$200.00 plus costs was entered against Eugene Brister and Glen A. Curtis.

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600. False labeling as to germination and failure to test within five months prior to shipment. U. S. v. Scott Seed Company, Inc., New Albany, Indiana. (FS 1021).

Scott Seed Company, Inc., on May 11, 1962, delivered for transportation from Winston-Salem, North Carolina, to Bristol, Virginia, five bags of red fescue seed.

The complaint was filed in U. S. District Court for the Southern District of Indiana alleging that Scott Seed Company, Inc. delivered for transportation in interstate commerce five bags of the seed in violation of the Federal Seed Act.

The seed was falsely labeled in that labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed was found to have a germination of 63 percent in June 1962.

A test to determine the percentage of germination of the seed was not made within a 5-month period immediately prior to delivery for transportation in interstate commerce as required by the Federal Seed Act.

On May 21, 1964, a judgment in the amount of \$100.00 plus costs was entered against Scott Seed Company, Inc.

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601. False labeling of purity and the name of the variety and failure to keep a complete record. U. S. v. Leland Eaton and LaVerda Eaton d/b/a L. Eaton Wholesale, Guthrie, Oklahoma. (FS 1023)

L. Eaton Wholesale transported from Guthrie, Oklahoma, 100 bags of rye seed, lot No. E-122 to North Little Rock, Arkansas, on or about August 6, 1962, and 10 bags of rye seed, lot No. B-120 to Helena, Arkansas, on September 18, 1962.

The complaint was filed in U. S. District Court for the Western District of Oklahoma alleging that L. Eaton Wholesale transported in interstate commerce five bags of rye seed, lot No. E-122 and seven bags of rye seed, lot No. B-120 in violation of the Federal Seed Act.

Lot No. E-122 was falsely labeled in that labels attached to the bags represented the seed to consist, in part, of 98.62 percent pure seed and 0.15 percent other crop seeds; whereas, the seed was found to consist, in part, of 94.96 percent pure seed and 3.44 percent other crop seeds.

Lot No. B-120 was falsely labeled as to variety in that labels attached to the bags represented the seed to be the Balbo variety of rye, whereas, the seed was not the Balbo variety. In addition, a complete record of the purity of the seed, including a grower's declaration of variety or other documents establishing the variety to be that stated in the labeling, was not kept by L. Eaton Wholesale as required by the Federal Seed Act and the regulations thereunder.

On June 9, 1964, a judgment in the amount of \$300.00 plus costs was entered against L. Eaton Wholesale.

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602. False labeling of noxious-weed seeds, excessive noxious-weed seeds, and failure to keep a complete record. U. S. v J. F. Wyman, Inc., Estill, South Carolina. (FS 1025).

J. F. Wyman, Inc., on October 12, 1962, transported from Estill, South Carolina, to Ocala Florida, 300 bags of oat seed.

The complaint was filed in U. S. District Court for the Eastern District of South Carolina alleging that J. F. Wyman, Inc., transported in interstate commerce 300 bags of the seed in violation of the Federal Seed Act.

The seed had a false labeling in that labels attached to the bags represented the seed to contain no noxious-weed seeds; whereas, 150-bag portions of the seed were found to contain wild radish seeds at the rates of 62 and 69 per pound. Wild radish seed are considered restricted noxious-weed seeds in the State of Florida and therefore are considered noxious-weed seeds under the Federal Seed Act when occurring in agricultural seed shipped into that State.

Agricultural seed containing in excess of 27 wild radish seeds per pound is prohibited from shipment into that State under the Federal Seed Act.

As a part of the complete record of the seed, J. F. Wyman, Inc., did not keep a sample representing the seed as required by the Federal Seed Act and the regulations thereunder.

On June 24, 1964, a judgment in the amount of \$75.00 plus costs was entered against J. F. Wyman, Inc.

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All cases were filed under section 406(b) of the Federal Seed Act which provides for a civil proceeding. There were no seizure cases terminated during the fiscal year.